

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Raquel Velasquez	Team: Team # 1	CCRB Case #: 201401070	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Wednesday, 01/29/2014 11:45 AM	Location of Incident: § 87(2)(b) [REDACTED] and the 48th Precinct Stationhouse		Precinct: 48	18 Mo. SOL 7/29/2015	EO SOL 7/29/2015
Date/Time CV Reported Mon, 02/03/2014 3:57 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 02/03/2014 3:57 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Jeremy Veit	02516	935920	NARCBBX
2. DT3 Doris Lopez	00487	942074	NARCBBX
3. LT Sean Mchugh	00000	921070	NARCBBX
4. An officer			Unknown

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Brian Ohanlon	03581	935417	NARCBBX
2. DT3 Mark Oconnell	05367	900544	NARCBBX
3. DT3 Robert Cattani	4590	944424	NARCBBX
4. POM Jodi Brown	23758	936246	NARCBBX
5. POM Guy Gargano	14100	943281	NARCBBX

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Doris Lopez	Abuse: Det. Doris Lopez entered § 87(2)(b) [REDACTED] in the Bronx.	[REDACTED]
B.LT Sean Mchugh	Discourtesy: At § 87(2)(b) [REDACTED] in the Bronx and the 48th Precinct stationhouse, Lt. Sean McHugh spoke discourteously to § 87(2)(b) [REDACTED] and an individual.	[REDACTED]
C.LT Sean Mchugh	Abuse: Lt. Sean McHugh searched § 87(2)(b) [REDACTED] in the Bronx.	[REDACTED]

Officer(s)	Allegation	Investigator Recommendation
D.DT3 Jeremy Veit	Discourtesy: At § 87(2)(b) in the Bronx, Det. Jeremy Veit spoke discourteously to an individual.	
E.DT3 Jeremy Veit	Abuse: At § 87(2)(b) in the Bronx, Det. Jeremy Veit strip-searched § 87(2)(b)	
F.DT3 Doris Lopez	Discourtesy: At the 48th Precinct stationhouse, Det. Doris Lopez spoke discourteously to § 87(2)(b)	
G.DT3 Doris Lopez	Abuse: At the 48th Precinct stationhouse, Det. Doris Lopez strip-searched § 87(2)(b)	
H.DT3 Jeremy Veit	Off. Language: At the 48th Precinct stationhouse, Det. Jeremy Veit made remarks to § 87(2)(b) based upon race.	
I. An officer	Abuse: At the 48th Precinct stationhouse, an officer threatened § 87(2)(b) with the use of force.	
J.DT3 Jeremy Veit	Force: At the 48th Precinct stationhouse, Det. Jeremy Veit used physical force against § 87(2)(b)	

### Case Summary

On January 29, 2014, at approximately 11:45 a.m., Det. Doris Lopez, Lt. Sean McHugh, and Det. Jeremy Veit, from Narcotics Borough Bronx, and officers from their field team, entered § 87(2)(b) in the Bronx (**Allegation A**). § 87(2)(b) and § 87(2)(b) who provided verified statements, and § 87(2)(b) and § 87(2)(b) who were identified via the investigation, were in the apartment. § 87(2)(b) and one of the civilians whose name she did not know asked to see a search warrant. Lt. McHugh allegedly replied, “We don’t need a fucking search warrant” and “Shut the fuck up.” (**Allegation B**). Lt. McHugh and the rest of the officers then allegedly searched the apartment (**Allegation C**). While searching the apartment, Det. Veit allegedly spoke discourteously to one of the civilians whose name § 87(2)(b) did not know and strip-searched § 87(2)(b) (**Allegations D and E**). § 87(2)(b) and § 87(2)(b) were arrested for § 87(2)(b), and were taken to the 48<sup>th</sup> Precinct stationhouse. At the stationhouse, Det. Lopez allegedly spoke discourteously to and strip-searched § 87(2)(b) (**Allegations F and G**). Then, while being placed in an unmarked van to be transported to Bronx Central Booking, Det. Veit allegedly used offensive language towards § 87(2)(b) and pushed her towards the unmarked van (**Allegations H and J**). Also, an unidentified officer allegedly threatened to use force against § 87(2)(b) (**Allegation I**). (complaint encl. C1-C5; CCRB Statements encl. D1-D5; E1-E5)

### Mediation, Civil and Criminal Histories

This case was not mediation eligible. § 87(2)(b) and § 87(2)(b) have not filed a Notice of Claim (encl. Q1). § 87(2)(b), § 87(2)(c)

### Civilian and Officer CCRB Histories

- § 87(2)(b)
- Det. Lopez has been a member of the service for eight years and there are no substantiated CCRB allegations against her. (encl. B1)
- Lt. McHugh has been a member of the service for sixteen years and there is one substantiated CCRB allegation against him, in case number 200911720, for an allegation of abuse of authority-search of person. The board recommended charges; the NYPD issued instructions (encl. B2-B3).
- Det. Veit has been a member of the service for ten years and there is one substantiated CCRB allegation against him, in case number 201017490, for an allegation of abuse of authority-threat of force. The board recommended charges; the NYPD did not take any disciplinary action (encl. B4).

## Finding and Recommendations

### Allegations Not Pleaded

- **Strip-searches for** § 87(2)(b) and § 87(2)(b) § 87(2)(b) and § 87(2)(b) alleged that § 87(2)(b) and § 87(2)(b) respectively, were also strip-searched at § 87(2)(b). However, neither one witnessed these allegations and the investigation was unable to reach § 87(2)(b) or § 87(2)(b).
- **Discourtesy for** § 87(2)(b) alleged that Det. Veit told § 87(2)(b) to “shut the fuck up” numerous times while at the apartment. § 87(2)(b) did not allege this.

### Explanation of Subject Officer Identification

**Allegations A, F, and G** are being pleaded against Det. Lopez because she acknowledged entering the apartment and she was the only female officer present during the incident.

**Allegations D, E, H, and J** are being pleaded against Det. Veit because § 87(2)(b) identified him via his shield number. Furthermore, § 87(2)(b)'s description of the subject officer closely matches the description § 87(2)(b) provided of Det. Veit.

§ 87(2)(b) described the subject of **Allegations B and C** as a white male, in his late 30's to early 40's, between 6' and 6'1" tall, with a slim build, red hair, red stubble, and a “significantly small head.” Of the five white males who were present, in addition to Det. Veit, only three were 6' or taller. Det. Gargano is bald and Det. O'Connell has gray hair. Lt. McHugh was the only member of the entire team with red hair. As a result, Allegations B and C are being pleaded against Lt. McHugh.

**Allegation I** is being pleaded against **an officer** because the investigation could not identify the subject officer. § 87(2)(b) described the subject officer as a white male, with black hair, a black mustache, and “a notable overbite and looked like a rat or a rodent.” Det. O'Hanlon, Det. Gargano, Det. O'Connell, and Sgt. Cattani are white all males and were present during the incident. Det. Gargano is bald and Det. O'Connell has gray hair. Det. O'Hanlon and Sgt. Cattani both have black hair; however, neither have a mustache or an overbite. All of the officers interviewed denied making or hearing the alleged threat.

### Recommendations

#### **Allegation A: Abuse of Authority- Det. Doris Lopez entered** § 87(2)(b) **in the Bronx.**

It is undisputed that Det. Lopez entered § 87(2)(b) in the Bronx.

According to § 87(2)(b) one of the females opened the apartment door to leave and officers then entered the apartment. § 87(2)(b) acknowledged that there were glass pipes in the apartment (encl. D1-D5). § 87(2)(b) stated that the female answered the door after hearing a knock and voice that said, “Police.” § 87(2)(b) heard officers but he did not see how they gained entrance due to a curtain blocking his view. § 87(2)(b) denied seeing drugs in the apartment (encl. E1-E5). § 87(2)(b) and § 87(2)(b) did not participate in this investigation (encl. N23).

According to Det. Lopez, she and officers from her field team went to the incident location to apprehend an individual who was wanted by the 47<sup>th</sup> Precinct detective squad for a domestic violence incident and an open Investigation Card. The individual had recently been arrested and

had provided the incident location as his address. The Narcotics Bureau was asked to apprehend the individual because the incident location is known for the use and sale of narcotics. Det. Lopez responded to the location and knocked on the door. A female opened the door, and at the sight of the officers, dropped a crack pipe, turned around and walked further into the apartment, leaving the door open. The female was immediately considered under arrest for the drugs in plain view so Det. Lopez followed her inside the apartment to arrest her. The rest of the field team followed Det. Lopez into the apartment. Upon entering the apartment, Det. Lopez observed eight other individuals in possession of crack cocaine pipes, glassines of heroine, and marijuana in plain view. The apartment is a studio so everyone was in one room, except for the first female who hid in the bathroom. Given the drugs in plain view, everyone was placed under arrest. Det. Lopez's memo book entry and the Criminal Court Complaint were consistent with her CCRB testimony (encl. F1-F38).

Lt. McHugh's testimony corroborated Det. Lopez's testimony (encl. G1-G6). Det. Veit, Det. O'Hanlon, and Det. Cattani stated that they heard glass breaking and then followed the rest of the officers into the apartment (encl. H1-H6; I1-I5; L1- L3). They corroborated that there was multiple narcotics in plain view. Det. Gargano and Det. O'Connell denied being present when the entry occurred (encl. J1-J6; K1-K4). All of the contraband was vouchered as arrest evidence (encl. M10-M20). § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

The observation of contraband in plain view of a private premise establishes probable cause to believe that a person has committed a crime and that contraband is present and may grant an officer the warrantless entry to place said person under arrest and seize the contraband in plain view. New York v. Brown, 274 A.D. 2d 941; 710 N.Y.S. 2d 504; 2000 N.Y. Appl. Div (encl. A6-A8)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

**Allegation B- Discourtesy: At § 87(2)(b) in the Bronx and the 48th Precinct stationhouse, Lt. Sean McHugh spoke discourteously to § 87(2)(b) and an individual.**

**Allegation D- Discourtesy: At § 87(2)(b) in the Bronx, Det. Jeremy Veit spoke discourteously to an individual.**

**Allegation E- Abuse of Authority: At § 87(2)(b) in the Bronx, Det. Jeremy Veit strip-searched § 87(2)(b)**

**Allegation H- Offensive Language: At the 48th Precinct stationhouse, Det. Jeremy Veit made remarks to § 87(2)(b) based upon race.**

**Allegation I- Abuse of Authority: At the 48th Precinct stationhouse, an officer threatened § 87(2)(b) with the use of force.**

§ 87(2)(b) alleged that one of the civilians whose name she did not know asked to see a search warrant. Lt. McHugh replied, "We don't need a fucking search warrant." Then § 87(2)(b) asked Lt. McHugh to show her a search warrant, and he allegedly responded, "Shut the fuck up." At the stationhouse, while § 87(2)(b) and the rest of the civilians were lined up, Lt. McHugh asked for their contact information. § 87(2)(b) asked, "Why?" Lt. McHugh allegedly

responded, “Look, I’m tired of your fucking mouth.” Several hours later, while § 87(2)(b) and the civilians were being placed in the unmarked van to be transported to Bronx Central Booking, Det. Veit allegedly told § 87(2)(b) “I feel like lynching—I’m lynching your black ass.” An unidentified officer added, “How about we close the van and set the van on fire while y’all are in there?” (encl. D1-D5)

According to § 87(2)(b) while at the apartment, Det. Veit approached one of the civilians whose name he did not know and allegedly stated, “Get the fuck up.” While § 87(2)(b) and the rest of the civilians were lined up against a wall in the apartment, Det. Veit searched him and then allegedly pulled his long johns and boxer briefs down to his calves, exposing his genitals. Both Det. Veit and Det. Gargano allegedly called § 87(2)(b) a “lynch” at the apartment and at the stationhouse (encl. E1-E5).

All of the officers denied strip-searching any of the civilians, using profanity or offensive language towards them, or threatening them with the use of force (encl. F1-F38; G1-G6; H1-H6; I1-I5; L1- L3; J1-J6; K1-K4). There are no notes of strip-searches in the command log or in any of the arrest reports (encl. M7-M9; F4-F30).

§ 87(2)(g)  
[REDACTED]

**Allegation C- Abuse of Authority: Lt. Sean McHugh searched § 87(2)(b) in the Bronx.**

**Allegation F- Discourtesy: At the 48<sup>th</sup> Precinct stationhouse, Det. Doris Lopez spoke discourteously to § 87(2)(b)**

**Allegation G- Abuse of Authority: At the 48th Precinct stationhouse, Det. Doris Lopez strip-searched § 87(2)(b)**

**Allegation J- Force: At the 48th Precinct stationhouse, Det. Jeremy Veit used physical force against § 87(2)(b)**

According to § 87(2)(b) Lt. McHugh and the rest of the field team searched the apartment, including the window sill, the bathroom, the kitchen and the bedroom area. At the stationhouse, Det. Lopez allegedly took § 87(2)(b) to a bathroom, closed the door, and instructed her to remove her shoes. § 87(2)(b) took her time and Det. Lopez allegedly stated, “You’re giving me a hard time and I didn’t do anything—shit to you.” and “Look, I don’t have time for this fucking--.” Det. Lopez then allegedly instructed § 87(2)(b) to pull her pants and underwear down, exposing her genitals, and to lift her shirt and sports bra, exposing her breasts. § 87(2)(b) also alleged that while she and the civilians were being placed in the unmarked van, Det. Veit pushed her towards the unmarked van. § 87(2)(b) hit her knee against the metal step and twisted her

ankle. § 87(2)(b) s pre-arraignment screening form, prepared on the same day of the incident, notes that she did not complain of or reported any injury (See medical records). (encl. D1-D5)

§ 87(2)(b) added that the officers searched a pile of clothes, television cabinets, DVD cases, mattresses, box spring, pots, plates, and kitchen cabinets. § 87(2)(b) acknowledged that § 87(2)(b) was released before the rest of the civilians due to a leg injury she sustained during the arrest. However, § 87(2)(b) did not see or know how she sustained the injury (encl. E1-E5).

All of the officers denied searching the apartment, strip-searching any of the individuals, using profanity towards them or pushing them. (encl. F1-F38; G1-G6; H1-H6; I1-I5; L1- L3; J1-J6; K1-K4). There are no notes of strip-searches in the command log or in any of the arrest reports (encl. M7-M9; F4-F30).

§ 87(2)(g)

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Team: \_\_\_\_\_

Investigator: \_\_\_\_\_

Signature	Print	Date
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Supervisor: \_\_\_\_\_

Title/Signature	Print	Date
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Reviewer: \_\_\_\_\_

Title/Signature	Print	Date
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Reviewer: \_\_\_\_\_

Title/Signature	Print	Date
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